REMARKS/ARGUMENTS

Claims 1, 3-14, 16-25 and 29-33 are currently pending in this application. Claims 1, 11, 22, and 23 are amended by present response. The remaining claims are unchanged.

Applicants are grateful to the Examiner for the courtesy of a telephonic interview extended to Applicants' representatives G. Audrey Kwan and Susan C. Moon on January 22, 2010. The Applicants pointed out that none of the cited references taught a plurality of virtual queues, much less a plurality of virtual queues at a single ingress port. The Applicants also noted that the cited references taught virtual ports, not virtual queues. The Examiner has indicated that clarifying the distinction between a port and a queue and their functions might facilitate allowance of this case. The Applicants are grateful to the Examiner for this suggestion.

The Applicants have amended independent claims 1, 11, 22, and 23 to further clarify the invention. Among other things, the independent claims have been amended to variably recite "receiving a packet at an ingress port of the network device, wherein the ingress port has a plurality of virtual queues" and "making a classification for the packet according to a virtual queue from said plurality of virtual queues, the virtual queue configured to hold a collection of information in a particular order, including information associated with the packet".

Support for these amendments can be found throughout the specification and, in particular, at page 13, ln. 14 to page 15, ln. 2.

These amendments are made for purposes of expediting prosecution, and are made without prejudice to the Applicants' right to assert the claims in this or related applications in the future.

Claim Rejections under 35 U.S.C. §103

All claims were rejected for obviousness under 35 U.S.C. §103. These rejections are respectfully traversed.

Claims 1, 3-14, 16-25, 29, and 31-33 (including each of the independent claims) were rejected as being unpatentable over Morgan et al., U.S. Publication No. 2003/0076849 ("Morgan") in view of Matsuo et al., U.S. Public. No 2003/0227925 ("Matsuo").

As discussed above, independent claims 1, 11, 22, and 23 recite a plurality of virtual queues at ingress ports of a network device. Morgan and Matsuo do not teach these claim elements either individually or in combination.

As noted in the Office Action, the Examiner relies upon Morgan to teach virtual queues. However, while Morgan briefly mentions virtual ports, and refers in passing to queues being created and released, it nowhere mentions or suggest virtual queues. The section of Morgan cited by the Examiner as teaching virtual queues states in its entirety:

> [0053] The port status tracking module 220 monitors the status of one or more ports according to conventional mechanisms. For example, the port status tracking module monitors the addition or deletion of physical or virtual ports, their condition as either up or down, and their QoS settings. The resource management module 222 tracks the available resources reserved for each port as queues are created and released. The resource management module 222 may also track global resources available to the entire switching node. One of the resources tracked for a particular queue is the reserved bandwidth. Updates are made the port table 224 based on the information provided by the port status tracking module 220 and the resource management module 222.

While the cited section of Morgan mentions virtual ports, it does not discuss their implementation or use, and while it mentions that queues are created and released, it never mentions or discusses virtual queues in any way.

For at least the above reasons, Applicants respectfully submit that independent claims 1, 11, 22, and 23 are patentable over the cited references, and respectfully request that the Examiner withdraw his section 103 rejections against these claims, as well as the claims that depend upon them.

Nonetheless, to facilitate prosecution, the Applicants have amended the independent claims, as described above, to further clarify the invention and distinguish the invention from the cited art. As noted above, language has been added, among other things, to indicate that the

virtual queues are configured to "hold <u>a collection of information in a particular order, including</u> information associated with the packet".

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

<div align="right">

Respectfully submitted,
WEAVER AUSTIN VILLENEUVE & SAMPSON LLP

/G. Audrey Kwan/
G. Audrey Kwan
Reg. No. 46,850

</div>

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100